

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

STEVEN T. HUFF FAMILY, LLC,)	
)	
Plaintiff,)	Case No.: 6:15-CV-03214-BP
)	
v.)	
)	
THE MONARCH CEMENT COMPANY,)	
ET AL.,)	
)	
Defendants.)	
)	

**DEFENDANTS' MOTION TO EXCLUDE TESTIMONY OF PLAINTIFFS'
NON-RETAINED EXPERT LUKE PINKERTON**

Pursuant to Fed. R. Evid. 403 and 702, Defendants The Monarch Cement Company and City Wide Construction Products, Co. move to exclude certain expert testimony from Plaintiffs' non-retained expert Luke Pinkerton. Mr. Pinkerton was personally involved with some aspects of the construction of Pensmore, and Defendants do not contend that Mr. Pinkerton should be precluded from offering factual testimony. Plaintiffs, however, intend to have Mr. Pinkerton testify as an expert with respect to core sampling tests performed by Element Materials Technology, respond to the expert analysis conducted by Defendants' expert CTLGroup, and summarize a roof uplift analysis conducted by A&A Engineering.

Defendants respectfully request that Mr. Pinkerton be precluded from providing expert testimony on: (1) the total amount of Helix City Wide added to the concrete used to construct Pensmore; (2) that nineteen core samples are representative of the entire Pensmore structure; (3) his erroneous interpretation of confidence intervals; (4) whether City Wide engaged in "underdosing" of Helix; and (5) whether Pensmore as designed or constructed could withstand a tornado.

Mr. Pinkerton should be excluded from offering expert opinions on these topics because:

(1) his analysis is contrary to or unsupportive of Plaintiffs' allegations; (2) he intends to offer speculative opinions with no basis in any test or analysis; or (3) his analysis consists of work done by third parties who have not been identified as expert or fact witnesses in this case.

For these reasons, and as set forth in Defendants' Suggestions in Support of this Motion filed concurrently and incorporated herein by reference, Defendants respectfully request that the Court enter an order precluding Mr. Pinkerton from offering expert testimony on the topics set forth in Defendants' Motion and Suggestions.

Dated: April 28, 2017

Respectfully submitted,

/s/ Angela G. Nichols

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 28th day of April, 2017, a true and correct copy of the foregoing document was filed electronically via CM/ECF in the United States District Court for the Western District of Missouri, with notice of same being electronically served by the Court, addressed to:

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